

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No.: 05-30163-GPM
	)	
BRUCE KEVIN LIVELY,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

The United States of America and the Defendant having both filed a written consent, appeared before me pursuant to Federal Rule of Criminal Procedure 11 and SDIL Rule 72.1(b)(2). The Defendant entered a plea of guilty to Count(s) 1 and 2 of the Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty pleas(s) was/were knowing and voluntary as to each count, and that the offense(s) charged is/are supported by an independent factual basis containing each of the essential elements of such offense(s). I therefore recommend that the plea(s) of guilty be accepted, that a presentence investigation and report be prepared, and that the Defendant be adjudicated guilty and have sentence imposed accordingly.

**DATED:** December 19, 2005

s/ Donald G. Wilkerson  
**DONALD G. WILKERSON**  
**U. S. MAGISTRATE JUDGE**

**NOTICE**

The failure to file a written objection to this Report and Recommendation within ten (10) days from the date of service shall bar an aggrieved party from challenging this Report and Recommendation before the assigned U.S. District Judge. 28 U.S.C. 636(b)(1)(B).

# NOTICE

PURSUANT to Title 28 U.S.C. §636(b) and Rule 73.1(b) of the Local Rules of Practice in the United States District Court for the Southern District of Illinois, any party may serve and file written OBJECTIONS to this Report and Recommendation/Proposed Findings of Fact and Conclusions of Law within ten days of service.

**Please note: You are not to file an appeal as to the Report and Recommendation/Proposed Findings of Fact and Conclusions of Law.** At this point, it is appropriate to file **OBJECTIONS**, if any, to the Report and Recommendation/Proposed Findings of Fact and Conclusions of Law. An appeal is inappropriate until after the District Judge issues an Order either affirming or reversing the Report and Recommendation/Proposed Findings of Fact and Conclusions of Law of the U.S. Magistrate Judge.

Failure to file such OBJECTIONS shall result in a waiver of the right to appeal all issues, both factual and legal, which are addressed in the Report and Recommendation/Proposed Findings of Fact and Conclusions of Law. *Video Views, Inc. v Studio 21, Ltd. and Joseph Sclafani*, 797 F.2d 538 (7th Cir. 1986).

**You should e-file/mail your OBJECTIONS to the Clerk,  
U.S. District Court at the address indicated below:**

301 West Main St.  
Benton IL 62812

√ 750 Missouri Ave.  
P.O. Box 249  
East St. Louis, IL 62202